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13 Countrywide Home Loans Servicing, LP fka Countrywide Home Loans, Inc.

14 UNITED STATES BANKRUPTCY COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17

18 In re	)	Bk. No. 09-12892
)	
19 BETH WAYNE and DAVID R. WAYNE,	)	Chapter 11
)	
20 Debtors.)	
)	
21	)	OPPOSITION TO DEBTORS'
	)	MOTION TO VALUE CLASS 5 CLAIM
)	
	)	Hearing -
	)	Date : February 3, 2010
	)	Time : 9:00 AM
	)	Place: U.S. Bankruptcy Court
	)	5 th and H Streets
	)	Eureka, CA
)	

22 BAC Home Loans Servicing, LP, fka Countrywide Home Loans Servicing, LP fka
23 Countrywide Home Loans, Inc., holder in due course, and secured creditor in the above-entitled
24 Bankruptcy proceeding, its assignees and/or successors in interest, hereby submits the following
25 Opposition to Debtors' Motion to Value the Class 5 Claim:

26 Debtors, Beth and David R. Wayne, Chapter 11 case 09-12892 filed a Chapter 11
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1 Plan which was confirmed by Order entered on the Court's docket on December 4, 2009.

2 Secured Creditor, BAC Home Loans Servicing, L.P. fka Countrywide Home
3 Loans Servicing., L.P. fka Countrywide Home Loans, Inc., its assignees and/or successors in
4 interest, has a secured lien on the real property commonly known as **137 14th Street, Eureka,**
5 **California.**

6 For all the reasons, stated herein, Secured Creditor opposes the Debtor's Motion
7 to Determine Secured Value and requests an evidentiary hearing and the presentation of
8 evidence. The origination appraisal in the file dating from the initiation of the debt obligation
9 indicated a fair market value of \$351,900.00 for the subject property. The Secured Creditor is
10 seeking to update the information regarding the fair market value of the property, but due to the
11 limited number of comparable properties has not yet completed an appraisal or broker's price
12 opinion, and specifically reserves the right to supplement this opposition with updated fair
13 market value information.
14
15

16 WHEREFORE, secured creditor prays as follows:

17 (1) Request Debtor's Motion be Denied, or in alternative set for evidentiary
18 hearing.

19 (2) For such other relief as this Court deems proper.
20

21 Dated: January 26, 2010

Prober & Raphael, A Law Corporation

22 By /s/ Dean R. Prober, Esquire

23 DEAN R. PROBER, ESQUIRE, #106207

24 Attorney for Secured Creditor

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